

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARLON RAMOS,)
Petitioner,) CASE NO. C11-1202-MJP-MAT
v.)
ICE FIELD OFFICE DIRECTOR,) REPORT AND RECOMMENDATION
Respondent.)
_____)

On July 19, 2011, petitioner, a native and citizen of Honduras, filed a pro se Petition for Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his immigration detention by United States Immigration and Customs Enforcement (“ICE”). (Dkt. 7.) As relief, he stated that this Court order ICE to release him on supervised release or on bond. *Id.* at 2. On August 30, 2011, however, respondent filed a motion to dismiss along with documentation, which indicates that petitioner was released from immigration custody pursuant to a posting of bond imposed by an Immigration Judge. (Dkts. 13 and 14.) Respondent asserts that this matter has become moot and should be dismissed. (Dkt. 13 at 2.)

“Article III of the Constitution limits federal ‘Judicial Power,’ that is, federal-court

01 jurisdiction, to ‘Cases’ and ‘Controversies.’” *U.S. Parole Comm’n v. Geraghty*, 445 U.S. 388,
02 395 (1980). For a federal court to have jurisdiction, “an actual controversy must exist at all
03 stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th
04 Cir. 2002). “When a controversy no longer exists, the case is moot.” *Id.* “For a habeas
05 petition to continue to present a live controversy after the petitioner’s release . . . there must be
06 some remaining collateral consequence that may be redressed by success on the petition.” *See*
07 *Abdala v. Immigration and Naturalization Serv.*, 488 F.3d 1061, 1065 (9th Cir. 2007) (internal
08 quotation marks omitted).

09 Here, the record shows that petitioner was released from ICE custody on bond in the
10 amount of \$9,000 on August 3, 2011. (Dkt. 14.) Because petitioner has received the relief
11 sought in his habeas petition – release on bond – the Court finds that petitioner’s habeas petition
12 is moot and should be dismissed. *See Abdala*, 488 F.3d at 1065 (holding that removal mooted
13 habeas challenge to length of detention); *see also Picrin-Peron v. Rison*, 930 F.2d 773, 776 (9th
14 Cir. 1991) (finding that because petitioner only requested release from custody and had been
15 released, the court could provide no further relief and the petition was properly dismissed).

16 A proposed Order accompanies this Report and Recommendation.

17 DATED this 1st day of September, 2011.

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19 Mary Alice Theiler
20 United States Magistrate Judge
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